

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CURTIS GRISBY, )  
Petitioner, )  
v. ) No. 4:24-cv-877-CDP  
UNITED STATES OF AMERICA, )  
Respondent. )

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. Petitioner Curtis Grisby commenced this action by filing an untitled letter with this Court, construed as seeking relief under 28 U.S.C. § 2255. ECF No. 1. However, the letter was defective as a § 2255 motion because it was not drafted on a court-provided form. As such, on June 25, 2024, the Court directed the Clerk to send Petitioner the court form for §2255 motions and directed Petitioner to file an amended motion on the court form within thirty (30) days. ECF No. 2. The Court cautioned Petitioner that his failure to timely comply with the Court's Order could result in the dismissal of his case. Petitioner's response was due by July 25, 2024.

To date, Petitioner has neither responded to the Court's order, nor sought additional time to do so. Petitioner was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Petitioner's failure to comply with the Court's June 25, 2024, Order, and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also* *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed "by the control

necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

Dated this 13th day of August, 2024.



---

CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE